

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(SOUTHERN DIVISION)

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

2011 JAN 30 P 2:57

UNITED STATES OF AMERICA,  
ex rel. ROBERT SIMMONS,

Civil Action No. AW-11-2971

Plaintiff,

FILED UNDER SEAL

v.

Pursuant to 31 U.S.C. Section 3729

SAMSUNG ELECTRONICS  
AMERICA, INC.

and

SUMMIT GOVERNMENT  
GROUP, LLC,

Defendants.

**RELATOR'S MOTION/NOTICE TO VOLUNTARILY DISMISS**  
**ALL COUNTS AGAINST DEFENDANT SUMMIT**  
**GOVERNMENT GROUP, LLC. WITHOUT PREJUDICE**

Pursuant to Section 3730(b)(1) of the Federal False Claims Act and Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Relator, through his counsel, respectfully moves to voluntarily dismiss all counts in the above-captioned *qui tam* case against Defendant Summit Government Group, LLC., which is filed under seal in the United States District Court for the District of Maryland, Southern Division.

**I. PROCEDURAL HISTORY**

Proceeding on behalf of the United States, Relator, through his counsel, filed this action on October 18, 2011, against Defendants Samsung Electronics American, Inc. and Summit Government Group, LLC. The complaint was filed *in camera* and under seal pursuant to the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3729 *et. seq.* The Complaint involves allegations that Defendants conspired to and did violate the Trade Agreements Act ("TAA") in

sales of certain products to the United States Government and in doing so submitted false claims to the United States in violation of the Federal False Claims Act.

Since that time, the United States has investigated the allegations contained in Relator's Complaint and has moved, and was granted for good cause shown, several extensions of the statutory seal in order to conduct its investigation of Relator's allegations.

**II. THIS CASE SHOULD BE DISMISSED WITHOUT PREJUDICE**

Relator files the instant motion to voluntarily dismiss all counts in the above-captioned *qui tam* case against Defendant Summit Government Group, LLC. without prejudice to both the United States and Relator as plaintiffs. The Relator, through counsel, does not wish to pursue this matter further against Defendant, Summit Government Group, LLC. , and is therefore seeking dismissal of all counts against Summit Government Group, LLC., voluntarily.

The False Claims Act empowers a private person ("relator") to bring a case on behalf of the United States to recover damages for false claims for payment submitted by the defendant. The complaint automatically remains under seal for 60 days for the government to investigate the allegations and after that period, upon motions to extend the seal filed *in camera* for good cause shown. 31 U.S.C. § 3730(b)(3). During this time, the complaint is not served on the defendant.

The relator may seek voluntary dismissal of the action "only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." 31 U.S.C. § 3730(b)(1). Further, dismissal of an action by a plaintiff may be done voluntarily without a Court Order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. *See* Fed.R.Civ.P. 41(a)(1)(A)(i).

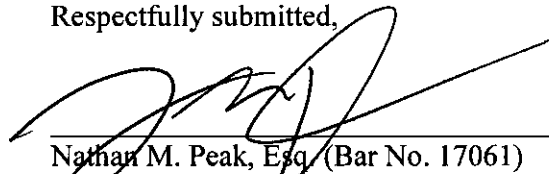
**III. ALL PARTIES CONSENT TO THE DISMISSAL AND THAT THE CASE REMAIN UNDER SEAL.**

Counsel for all parties consent to the dismissal of all counts in the above-captioned *qui tam* case against Defendant Summit Government Group, LLC. without prejudice to both the United States and Relator as plaintiffs. The United States specifically consents to this dismissal only as long as the dismissal is without prejudice to the United States. Further, counsel for all parties consent to this matter remaining under seal at the request of the United States while the government continues to pursue all counts against the remaining defendant, Samsung Electronics American, Inc.

**IV. CONCLUSION**

WHEREFORE, Relator respectfully requests this Court grant his Motion to Voluntarily Dismiss All Counts in the above-captioned *qui tam* case against Defendant Summit Government Group, LLC. without prejudice.

Respectfully submitted,



Nathan M. Peak, Esq. (Bar No. 17061)  
ASHCRAFT & GEREL, LLP  
4301 Garden City Drive  
Suite 301  
Landover, MD 20785  
[npeak@ashcraftlaw.com](mailto:npeak@ashcraftlaw.com)  
(301)459-8400

*Counsel for Plaintiff-Relator*

**IT IS SO ORDERED.**

\_\_\_\_\_  
**United States District Court Judge**

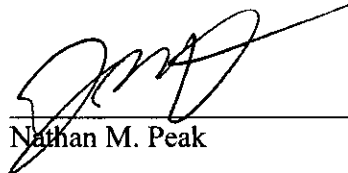
**Dated:** \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of **RELATOR'S MOTION TO VOLUNTARILY DISMISS ALL COUNTS AGAINST SUMMIT GOVERNMENT GROUP, LLC. WITHOUT PREJUDICE** was served via U.S. mail on this 30<sup>th</sup> day of Jan, 2014, to the following:

Michael A. DiPietro  
Assistant United States Attorney  
36 South Charles Street, Fourth Floor  
Baltimore, Maryland 21201

Michael D. Granston  
Sara McLean  
Samuel J. Buffone, Jr.  
Daniel Hugo Frutcher  
Attorneys  
U.S. Department of Justice, Civil Division  
Post Office Box 261  
Ben Franklin Station  
Washington, D.C. 20044

  
\_\_\_\_\_  
Nathan M. Peak